

FILED '07 FEB 15 14:04 USDC-ORE

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

ROBERTA ROSSI, and  
JAMES ROSSI,

Plaintiffs,

Civil No. 05-3044-TC

v.

FINDINGS AND  
RECOMMENDATION

CAPITOL ONE BANK, et al.,

Defendants.

COFFIN, Magistrate Judge.

By Order (#79) entered January 29, 2007, plaintiffs were ordered to show cause by February 12, 2007, why defendant Credit Bureau of Josephine County's unopposed Motion for Summary Judgment (#73) should not be allowed. Plaintiffs have not responded to the court's order or requested an extension

of time in which to do so.

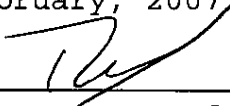
Defendant's motion and exhibits thereto establish that there are no genuine issues of material fact remaining as to plaintiffs' claims against Credit Bureau of Josephine County and that the moving defendant is entitled to judgment as a matter of law.

Defendant Credit Bureau of Josephine County's unopposed Motion for Summary Judgment (#73) should be allowed and plaintiffs' claims against it dismissed with prejudice.

This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order. The parties shall have ten days from the date of service of a copy of this recommendation within which to file specific written objections. Failure to timely file objections to any factual determinations of the Magistrate Judge will be considered a waiver of a party's right to de novo consideration of the factual issue and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judges's

recommendation.

DATED this 15 day of February, 2007.

  
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Thomas M. Coffin  
United States Magistrate Judge